

R156. Commerce, Occupational and Professional Licensing.

R156-9. Funeral Service Licensing Act Rules.

R156-9-101. Short title.

These rules shall be known as the "Funeral Service Licensing Act Rules".

R156-9-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 9, as defined or used in these rules:

(1) "Qualified continuing professional education" as used in these rules means continuing professional education that meets the standards set forth in Section R156-9-304.

(2) "Supervision of a funeral service apprentice" means that a licensed funeral service director shall be available at all times for consultation, direction and instruction. The funeral service director shall be present and directly supervise the apprentice during the first 50 embalmings. After the first 50 embalmings, the funeral service director shall be available in the facility for consultation, direction and instruction. All embalming performed by the apprentice shall be recorded and reported to the division on forms supplied by the division at the time of application for licensure as a funeral service director`.

(3) "Supervision of staff" including apprentices means that the funeral service director is responsible for the funeral service activities, duties and functions performed by the staff.

(4) "Supervising sales of preneed funeral plans or contracting with or employing individuals to sell preneed funeral plans" means that a licensed funeral service establishment shall make application with the division to sell preneed funeral plans and be responsible for and sign all contracts written by staff, employees or subordinates who are hired or contracted with to sell preneed; and to insure that all individuals selling preneed funeral plans are licensed by the division as seller agents.

(5) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 9, is further defined in accordance with Subsection 58-1-203(5) to include the following acts when committed by an applicant for funeral service director or a licensed funeral service director or licensed funeral service apprentice:

(a) violates the ethical standards of the profession;

(b) fails to comply with the standards set forth under the Preneed Funeral Arrangement Act and Administrative Rules;.

(c) fails to comply with the local, state, or federal health, safety and sanitation codes;.

(d) fails to comply with the requirements for CPE;

(e) fails to comply with the Funeral Service Licensing Act or the Funeral Service Licensing Act Rules;

(f) fails to comply with the disclosure requirements of the Federal Trade Commission;

(g) fails to accurately report and record information required by law to be reported on a death certificate;.

(h) solicitation or the direct or indirect offer to pay a commission for the procurement of dead human bodies by the licensee or his apprentices, staff, agents or employees; or

(i) fails to comply with the Utah Vital Statistics Rules as promulgated by the Utah Department of Health.

R156-9-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1) to enable the division to administer Title 58, Chapter 9.

R156-9-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-9-302a. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-1-203(7) and 58-1-301(3), the qualifications for licensure in Section 58-9-6 are defined, clarified, or established as follows:

(1) An applicant for licensure as a funeral service director shall be required to pass the funeral service examination of the Conference of Funeral Service Examining Board, except as provided in Sections R156-9-302c and R156-9-302d. The examination may be taken while the individual is enrolled in an approved funeral service school.

(2) All applicants for licensure including out of state applicants and apprentices shall be required to pass the Utah law and rules and ethics examination with a passing score of 70%.

R156-9-302b. Qualifications for Licensure - Education Requirements.

In accordance with Subsections 58-1-203(7) and 58-1-301(3), the qualifications for licensure in Section 58-9-6(1)(e) are defined, clarified, or established as follows:

(1) Before April 30, 1991, an applicant for licensure shall complete 12 months or equivalent of academic instruction in a prescribed course at a school of funeral service accredited by the American Board of Funeral Service Education and complete an additional 12 months or equivalent of academic instruction from a school approved by the board.

(2) After April 30, 1991, an applicant for licensure shall obtain a two year associates degree in mortuary science from a school of funeral service accredited by the American Board of Funeral Service Education or other accrediting body recognized by the U.S. Department of Education, except that a person who was enrolled in funeral service school prior to April 30, 1991 may be permitted to be licensed by completing the educational requirements established prior to the enactment of the April 1991 law as set forth in Subsection (1) above.

R156-9-302c. Qualifications for Licensure - Reinstatement.

An individual whose license as a funeral service director in Utah expires and is not renewed within two years after the date of expiration shall reinstate his license in accordance with one of the following:

(1) If the license was issued prior to April 30, 1991 and the individual practiced as a funeral service director the equivalent of full-time for ten out of the past 15 years immediately preceding the expiration date of the license, such practice shall be considered to be the equivalent of the education, apprenticeship and examination requirements established in Section 58-9-6. The individual, in order to reinstate his license, shall complete the following:

(a) complete 20 hours of continuing professional education approved by the board prior to the reinstatement of the funeral service director license;

(b) pass the current Utah law and rules examination for funeral service director; and

(c) make application and pay the required fees.

(2) If the license was issued after April 30, 1991 or the individual did not have the equivalent qualifying experience as set forth in Subsection (1) above, the individual shall reinstate his license in accordance with the following:

(a) complete 20 hours of continuing professional education approved by the board prior to the reinstatement of the funeral service director license;

(b) pass the current Utah law and rules examination for funeral service director;

(c) meet the requirements for a new license which requires passing the funeral service examination of the Conference of Funeral Service Examining Board and completing a two year associates degree in mortuary science from a school of funeral service accredited by the American Board of Funeral Service Education. A person who has been licensed in Utah as a funeral service director shall not be required to document or complete a new apprenticeship.

R156-9-302d. Qualifications for Licensure - Endorsement.

In accordance with Subsections 58-1-203(7) and 58-301(3) and Section 58-1-302, the

qualifications for licensure in Section 58-9-6 are defined, clarified, or established as follows:

(1) A person who is currently licensed or permitted to embalm dead human bodies in any state or territory of the United States and was engaged in the full-time practice of embalming for ten out of the past 15 years immediately preceding the date of the application may be considered to have the equivalent education, apprenticeship and examination requirements established under Section 58-9-6 and may be licensed as a funeral service director in this state without the necessity of documenting or completing the current education, examination, and apprenticeship requirements, upon completing the following:

(a) submit a verification of licensure from the state the application was licensed and practicing in;

(b) pass the current Utah law and rules examination for funeral service director;

(c) complete 20 hours of continuing professional education approved by the board prior to the issuance of the funeral service director license; and

(d) make application and pay the required fees.

(2) All other persons who are applying for licensure as a funeral service director who are currently licensed in another state or territory of the United States shall qualify for licensure as provided in Title 58, Chapter 9 and these rules.

R156-9-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licenses under Title 58, Chapter 9 is established by rule in Section R156-1-308.

(2) Renewal procedures shall be in accordance with Section R156-1-308.

R156-9-304. Continuing Professional Education.

(1) In accordance with Subsections 58-1-203(7) and 58-1-308(3)(b) and Section 58-9-8, there is created a continuing professional education requirement as a condition for renewal or reinstatement of licenses issued under Title 58, Chapter 9.

(2) Continuing professional education shall consist of 20 hours of qualified continuing professional education in each preceding two-year period of licensure or expiration of licensure.

(3) If a renewal period is shortened or extended to effect a change of renewal cycle, the continuing professional education hours required for that renewal period shall be increased or decreased accordingly as a pro rata amount of the requirements of a two-year period.

(4) The standards for qualified continuing professional education are:

(a) College classes, seminars, workshops in areas related to funeral service will generally qualify for continuing professional education (CPE) if the education contributes to the professional competence and knowledge of the funeral service director and if the program complies with the standards set forth under Subsection (b).

(b) CPE programs shall meet the following requirements:

(i) the course shall be formally organized and be primarily instructional;

(ii) the sponsor shall prepare an outline of the course which shall be retained for a minimum of four years following the presentation;

(iii) the sponsor shall list the hour rating of the course in the course outline. One hour of CPE shall be credited for each 50 minute period of instruction;

(iv) the sponsor shall record and keep an accurate record of course attendance including the date, place, and the name of the licensed funeral service directors attending the course; and

(v) the sponsor shall issue a certificate of completion listing the time, date, place, name of licensee, number of hours of CPE completed and the course title.

(c) Self directed studies may qualify for CPE if the studies can be documented by a certificate of completion.

(d) Each semester hour of college credit shall equal 15 hours of CPE. A quarter hour shall equal ten hours of CPE.

(e) Individuals who become licensed between renewal periods shall be required to complete CPE based upon 2.5 hours per calendar quarter for the remainder of the reporting period.

(5) Upon written request from the licensee, the board may waive the requirement for CPE for a period of up to three years on the basis that the licensee will be engaged in activities or be subject to circumstances which prevent the licensee from meeting the requirements.

(6) The licensee is responsible to insure that the program will qualify for CPE. Each licensee shall keep an accurate record of CPE on forms supplied by the division. The records shall be maintained for a minimum of four years.

(7) The division in collaboration with the board shall perform random audits to determine if the licensee is in compliance with the CPE requirements. If audited, or upon request by the division, the licensee is responsible to submit documentation of course completions. The licensee shall be required to complete any deficiencies within a period of time specified by the board.

R156-9-401. Facility/Staff Requirements.

(1) The funeral service establishment is responsible for the maintenance and safe operation of equipment used in funeral services and to insure that the facility is in compliance with the local or state health, fire and life safety codes. All mortuaries shall be kept and maintained in a clean and sanitary condition and all embalming tables, sinks, receptacles, instruments and other appliances used in embalming and cremation of dead human bodies shall be thoroughly cleansed and disinfected.

(2) The funeral service director is responsible to comply with the standards established by the Occupational Safety and Health Administration for the Federal Government and for the State of Utah.

(3) A funeral establishment or a number of funeral establishments under one management shall contain:

(a) a preparation room equipped with tile, cement, or composition floor, necessary drainage and ventilation. Every preparation room shall be provided with proper and convenient receptacles for refuse, bandages, cotton and other waste materials and supplies. All refuse, bandages, cotton, and other waste materials shall be destroyed in a sanitary manner, in accordance with health regulations.

(b) necessary instruments, supplies and proper protective clothing for the preparation and embalming of dead human bodies for burial, transportation, or other disposition.

(4) The care and preparation of the body for burial or other disposition of all human dead bodies shall be strictly private. No one shall be allowed in the embalming room while a dead body is being embalmed, except the licensed embalmer, apprentice, staff, public officials in the discharge of their duties and upon request, members of the immediate family of the deceased.

R156-9-501. Disclosure Information.

(1) Funeral service directors are responsible to comply with the Federal Trade Commission laws and rules. Specific rules include:

(a) provide consumers with a written, itemized general price list, casket price list and outer burial container price list;

(b) make truthful representations regarding legal and other requirements concerning funeral arrangements;

(c) permit consumers to select and purchase only those goods and services they desire;

(d) obtain express permission before performing embalming;

(e) refrain from misrepresenting the preservative and protective value of funeral goods and services; and

(f) provide price information over the telephone.

R156-9-601. Death Registration - Removal of Body - Transportation and Preservation of

Dead Human Bodies.

(1) A funeral service director licensed in another state may enter the state of Utah for the purpose of transporting a dead human body back to the originating state without being in violation of Title 58, Chapter 9. However, the person shall comply with the Utah Vital Statistics Rules of the Utah Department of Health.

(2) All licensed funeral service directors are responsible to insure that they or their staff comply with the Utah Vital Statistics Rules of the Utah Department of Health.

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